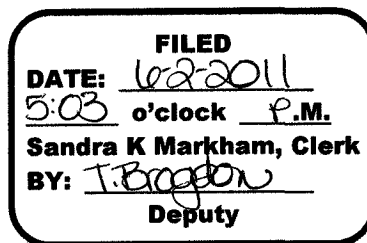


IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI



DIVISION PRO TEM B

SANDRA K MARKHAM, CLERK

HON. WARREN R. DARROW

BY: T. Brogdon, Deputy Clerk

CASE NO. V1300CR201080049

DATE: June 2, 2011

TITLE:
STATE OF ARIZONA,

COUNSEL:
Yavapai County Attorney
By Sheila Polk
Bill Hughes
(Via OnBase)
(For Plaintiff)

(Plaintiff)

v.

JAMES ARTHUR RAY,
(Defendant)

Thomas K. Kelly
(Via Electronic Mail)
(For Defendant)
and
Luis Li/Brad Brian/Truc Do/Miriam Seifter
MUNGER TOLLES & OLSON LLP
(Via Electronic Mail)
(For Defendant *Pro Hac Vice*)

HEARING ON:
JURY TRIAL – DAY 46

NATURE OF PROCEEDINGS

COURT REPORTER
Mina Hunt

START TIME: 9:41 a.m.

APPEARANCES:
Sheila Polk, Counsel for State
Bill Hughes, Co-Counsel for State
Detective Ross Diskin, Case Agent
James Arthur Ray, Defendant
Tom Kelly, Counsel for Defendant
Luis Li, *Pro Hac Vice* Counsel for Defendant

The Court, Counsel, Detective Diskin, and Defendant are present in the Courtroom. The Jury is not present.

The Court discusses the reason for the delay of beginning Trial today.

Counsel discuss Exhibits 600 and 690 (audio cd's). Counsel for State advises the record should reflect only a portion of these exhibits were played. Counsel for Defendant advises a separate exhibit of the played audios can be provided for marking by tomorrow. Court advises these exhibits were played for demonstrative purposes and will be part of the record in that capacity.

Court and Counsel discuss remaining State's witnesses, time limitations and witness testimony.

~~~Recess~~~

At 9:50 a.m. Court reconvenes, all previously appearing parties and the Jury is present.

Kim Brinkley is sworn and testifies.

Exhibits 165 and 166 are offered and admitted into evidence without objection.

Court and Counsel conduct sidebar discussion outside of the presence of the Jury on the record.

The Jury is reminded of the admonition; Kim Brinkley is advised of the Rule for the exclusion of witnesses, excused for a recess and exits the Courtroom.

Court and Counsel discuss prior rulings with regards to witness testimony and refund policy.

~~~Recess~~~

At 11:23 a.m. Court reconvenes, all previously appearing parties are present. The Jury is not present.

Court and Counsel resume discussion of prior rulings with regards to witness testimony and refund policy. Court discusses 403 concerns.

~~~Recess~~~

At 11:28 a.m. Court reconvenes, all previously appearing parties and the Jury is present.

Kim Brinkley resumes testimony.

Court and Counsel conduct sidebar discussion outside of the presence of the Jury on the record.

The Jury is reminded of the admonition; Kim Brinkley is reminded of the Rule for the exclusion of witnesses and excused for the lunch recess.

~~~Recess~~~

At 1:37 p.m. Court reconvenes, all previously appearing parties and the Jury is present.

Kim Brinkley resumes testimony.

Court and Counsel conduct sidebar discussion outside of the presence of the Jury on the record.

Kim Brinkley is reminded of the Rule for the exclusion of witnesses and excused subject to recall.

~~~Recess~~~

At 2:50 p.m. Court reconvenes, all previously appearing parties and the Jury is present.

Dawn Gordon is sworn and testifies.

The Jury is reminded of the admonition; Dawn Gordon is advised of the Rule for the exclusion of witnesses and excused for a recess.

~~~Recess~~~

At 4:10 p.m. Court reconvenes, all previously appearing parties and the Jury is present.

Dawn Gordon resumes testimony.

Exhibit 1073 is admitted into evidence pursuant to stipulation of Counsel.

The Jury is reminded of the admonition; Dawn Gordon is reminded of the Rule for the exclusion of witnesses and excused for the evening recess.

The Court stands adjourned for the day.

END TIME: 5:03 p.m.

cc: Gallagher & Kennedy, P.C., Counsel for Shore Family (e)
Murphy, Schmitt, Hathaway & Wilson, PLLC, Co-Counsel for Brown Family (e)
Stone & Magnanini, Co-Counsel Brown Family (e)
Aspey, Watkins & Diesel, PLLC, Counsel for Neuman Family (e)
Steptoe & Johnson, Counsel for KPNX Broadcasting Company, TruTV and In Session (e)
Perkins, Coie, Brown & Bain, Counsel KTVK-TV (e)
Division PTB (e)
Victim Services (e)
Court Administration
Customer Service Supervisor, Camp Verde Superior Court Building